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COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Petition of the North American Numbering Plan Administrator for area code relief for the 508, 617, 781 and 978 area codes in Eastern Massachusetts.

D. T. E. 99-11

COMMENTS BY AT&T AND AT&T WIRELESS SERVICES IN SUPPORT OF THE MOTION BY SPRINT PCS FOR CLARIFICATION, OR IN THE ALTERNATIVE FOR RECONSIDERATION, OF THE IMPLEMENTATION SCHEDULE FOR THE NEW OVERLAY AREA CODES IN THE EASTERN MASSACHUSETTS LATA

AT&T Wireless Services - the formal name of which is Wireless PCS, Inc., a wholly-owned subsidiary of AT&T Wireless Services, Inc. - along with AT&T Communications of New England, Inc., and its other affiliated companies (collectively "AT&T") respectfully urge the Department to allow the pending motion for clarification or reconsideration filed by Sprint Spectrum L.P. d/b/a Sprint PCS as soon as possible, and to order that the schedule for implementing the four new overlay area codes in the Eastern Massachusetts LATA be accelerated in accord with the formal industry consensus so that: (i) permissive ten-digit dialing using the new area codes shall begin on September 15, 2000, and last for four months; and (ii) the new area codes shall be fully implemented by January 15, 2001, with mandatory ten-digit dialing beginning at that time.

The unfortunate fact is that the 508 area code has been fully exhausted, with no new NXX codes left for assignment to any carrier, and the 617 area code is virtually exhausted, with only a few NXX codes left. See D.T.E. 99-11, Order dated April 25, 2000 ("Area Code Overlay Relief Order") at 14, Table 1. The implications of actual area code exhaust are dire. Carriers left with limited numbering resources in these area codes will soon find themselves unable to offer service to new customers or additional service to existing customers, solely because no new NXX codes are available. This means that Massachusetts residential and business customers will be denied the services of their choice, competition will be stifled, and the consumer benefits that result from full and fair telecommunications service competition will be diminished.

Both the Federal Communications Commission (the "FCC") and the Department have stressed that such a situation must be avoided. The FCC has emphasized that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98, NSD File No. L-99-19, FCC 99-246 (released Sept. 15, 1999) ("FCC Code Conservation Order"), ¶ 9. The Department has echoed this concern, finding that "if the Department fails to provide sufficient numbering resources for telecommunications demand, that failure would certainly harm consumers, the telecommunications industry that serves those consumers, and the state's economy as a whole." Area Code Overlay Relief Order at 19. In the Department's words:

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Unless new area codes are implemented as soon as possible, Massachusetts consumers would soon face a situation where new wireless service customers in 508 and 617 would be unable to receive service. Permitting such a situation to develop would be intolerable to Massachusetts consumers and would stifle telecommunications business development in the Commonwealth. The Department must act to prevent it.

Area Code Overlay Relief Order at 14.

In sum, with the 508 NPA having reached exhaust and the 617 NPA on the verge of exhaust, it is no longer a viable option to permit area code relief to be implemented over an entire year. In the Department's words, "[t]he arithmetic is relentless and unforgiving." Area Code Overlay Relief Order at 16. Without faster implementation of the area code relief ordered by the Department, customers seeking new or additional telecommunications service will be unable to obtain it from the carrier of their choice. It will not be enough to speed the start of the permissive dialing period, as carriers will not be able to assign numbers from NXX codes in the new NPAs until full implementation is completed and permissive ten-digit dialing is replaced by mandatory ten-digit dialing.

At the industry implementation meeting hosted by NeuStar on May 11, 2000, the formal and clear industry consensus was for an accelerated implementation schedule under which permissive dialing will begin by September 15, 2000, the four-month permissive dialing period envisioned in the Department's Area Code Overlay Relief Order is maintained, and implementation is completed with mandatory ten-digit dialing beginning on January 15, 2000. The implementation plans filed by carriers operating in Massachusetts confirm that this schedule is feasible. Furthermore, this expedited schedule is necessary under current circumstances, and it should therefore be endorsed by the Department. The Department has correctly found that a "four-month permissive dialing period should be sufficient to allow alarm companies to reprogram their equipment." Area Code Overlay Relief Order at 35. Since Massachusetts finds itself in the grim situation of having one NPA in actual exhaust and a second on the verge of exhaust, we do not have the luxury of extending the permissive dialing period for any longer than four months. The Department has correctly stressed that it must "ensure that telecommunications carriers have adequate numbering resources as soon as possible (and thereby ensure the continued availability of telecommunications services for consumers)." *Id.*

When the Department adopted a year-long implementation schedule for the new overlay area codes, it stated that it was doing so in reliance upon the forecasts contained in NeuStar's January 18, 2000, COCUS and NPA Exhaust Analysis Update. The Department stated as follows:

Next we discuss implementation issues. According to industry guidelines, area code relief should be completed at least three months before existing area codes would exhaust using the highest growth projections (NPA Guidelines at 13). Based on the most recent data provided by Neustar, the likely exhaust date for the four Eastern Massachusetts area codes are: second quarter 2001 for 617; first quarter 2002 for 508; third quarter 2001 for 781; and fourth quarter 2001 for 978 (January 18, 2000 COCUS and NPA Exhaust Analysis Update). The difference in projected exhaustion dates is small enough that we believe that the new overlays for 508, 617, 781, and 978 should be implemented at the same time. Doing so will avoid customer confusion and enhance the success of customer education. Therefore, we direct NeuStar to begin immediately to take the appropriate steps to implement relief activities in the 508, 617, 781, and 978 area codes by May 1, 2001.

Area Code Overlay Relief Order at 36.

Unfortunately, NeuStar's January 18, 2000, forecasts proved to be unduly optimistic. Barely two months later, on March 24, 2000, NeuStar announced that all NXX codes had been assigned in the 508 NPA, meaning that actual exhaust was reached in the first quarter of 2000, not in the first quarter of 2002 as had been projected. The Department found that as of the date of its Area Code Overlay Relief Order on April

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25, 2000, only seven NXX codes remained available in the 617 NPA.

In light of these changed circumstances, and for the reasons summarized above, AT&T and AT&T Wireless Services respectfully request that the Department adopt the accelerated schedule for implementing the four new overlay NPAs in the Eastern Massachusetts LATA that is the formal consensus of the industry, so that permissive ten-digit dialing shall begin in this new NPAs by September 15, 2000, and so that implementation is complete and mandatory ten-digit dialing begins on January 15, 2001. AT&T and AT&T Wireless Services respectfully urge the Department to issue such a decision as quickly as possible, so that the Department and the industry may begin to carry out appropriate customer education plans and all other work needed to ensure a smooth and successful implementation of the new overlay area codes.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the above document to be served upon the attorney of record for each other party on June 14, 2000.
